

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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DOWNS FORD, INC.,

Plaintiff,

v.

ZURICH AMERICAN INSURANCE  
COMPANY, ABC CORPS. 1-5 (fictitious  
Names whose identities are currently  
unknown)

Defendants.

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Case No. 3:20-cv-08595-BRM-ZNQ

**ORDER**

**THIS MATTER** is before the Court on a Motion to Dismiss (ECF No. 4) filed by Defendant Zurich American Insurance Company (“Zurich”) seeking to dismiss Plaintiff Downs Ford, Inc.’s (“Downs Ford”) Complaint (ECF No. 4-2) pursuant to Federal Rule of Civil Procedure 12(b)(6). Having reviewed the parties’ submissions filed in connection with the Motion and declined to hold oral argument pursuant to Federal Rule of Civil Procedure 78(b), for the reasons set forth in the accompanying Opinion and for good cause having been shown,

**IT IS** on this 25th day of March 2021,

**ORDERED** that Zurich’s Motion to Dismiss (ECF No. 4) is **GRANTED**; and it is further

**ORDERED** that Downs Ford’s Complaint is **DISMISSED WITH PREJUDICE**; and it is further

**ORDERED** that the Clerk of the Court shall mark this case **CLOSED**.

/s/ *Brian R. Martinotti*  
**HON. BRIAN R. MARTINOTTI**  
**UNITED STATES DISTRICT JUDGE**